

REMARKS/ARGUMENTS

1.) Claim Rejections – 35 U.S.C. § 112, second paragraph

Claims 1-3, 5-12 and 14-20 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter as the invention. The Examiner rejects the language “receive at the server a request for triggering” and “entering into the first device an indication of the matching” as being unclear.

Applicant submits that although the limitations may be broad, they are not so broad as to render them unclear. It is the responsibility of the Examiner to find art that discloses “receive at the server a request for triggering...” and “entering into the first device an indication of the matching”. It is Applicant’s strong position that neither limitation needs to be further limited in order to understand what is being claimed. As such, Applicant respectfully traverses this rejection. Withdrawal of this rejection is respectfully requested.

2.) Claim Rejections – 35 U.S.C. § 102(b)

Claims 1-3, 5-12, and 14-20 stand rejected under 35 U.S.C. 102(b) as being anticipated by Falk, *et al.* (U.S. Patent No. 5,668,876). Applicant respectfully disagrees.

Applicant respectfully submits that the Examiner has not met the burden of proving prima facie anticipation. The Examiner argues that Falk teaches a “first institution” (Falk’s authentication center), “second institution” (Falk’s electronic service), “first device” (Falk’s personal unit/terminal), “second device” (Falk’s service node), “first characteristic” (Falk’s telephone number), “second characteristic” (Falk’s algorithms), “first linking information” (Falk’s received response code), and “second linking information” (Falk’s expected response code).

With respect to independent claims 1, 10, and 18, the Examiner reads Falk’s electronic service on “the second institution of Applicant’s claims. Falk teaches that its electronic service is part of service node 26. (See Fig. 1; col. 3, lines 15-18; “The service node 26 may be any form of electronic service, such as banking or financial

services, credit card services, long distance telephone services, information services, etc. The type of service provided is not germane to the present invention.”) The Examiner reads service node 26 of Falk on “the second device” of Applicant’s claims. Falk’s service node 26 cannot be both “the second device” and “the second institution” of Applicant’s claims. As such, it is Applicant’s position that the Examiner has not met the requisite burden of proof with respect to at least one of the “second institution” and “second device” elements.

In addition, Applicant’s independent claims 1 and 10 recite “a server”. The Examiner has also not shown where in Falk the Applicant’s “server” element can be found. The fact that the Examiner has not cited what element of Falk reads on the “server” of Applicant’s claims raises serious doubt as to the applicability of the Falk reference to the present claims since the method of independent claim 1 corresponds to a method performed at the server and independent claim 10 claims a server.

The Examiner clearly does not specifically point out elements in Falk that read on each and every element that is recited in these claims. As such, the Examiner’s burden of proof with respect to anticipation has not been met.

In view of the above arguments, Applicant submits that independent claims 1, 10, and 18 are patentable over the Falk reference. Claims 2, 3, 5-9, 11, 12, 14-17, 19, and 20 are patentable at least by virtue of depending from their respective base claim. Applicant respectfully requests allowance of the present claims.

CONCLUSION

In view of the foregoing remarks, the Applicant believes all of the claims currently pending in the Application to be in a condition for allowance. The Applicant, therefore, respectfully requests that the Examiner withdraw all rejections and issue a Notice of Allowance for all pending claims.

The Applicant requests a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,

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